

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ASPARA ROBINSON,  
 Plaintiff,

v.

NELLIS AIR FORCE BASE,  
 Defendant.

Case No.: 2:22-cv-01983-JAD-NJK

**REPORT AND RECOMMENDATION**

[Docket No. 1]

Pending before the Court is Plaintiff's application to proceed *in forma pauperis*. Docket No. 1. The Court may authorize the commencement of an action without prepayment of fees and costs or security therefor, by a person who has shown that he is unable to pay such costs. 28 U.S.C. § 1915(a)(1). A determination of whether the plaintiff has shown an inability to pay is a matter left to the discretion of the Court. *See, e.g., Flores v. Colvin*, 2014 U.S. Dist. Lexis 93236, at \*2 (D. Nev. May 22, 2014). In exercising that discretion, the Court evaluates the income and assets to which the plaintiff has access. *See, e.g., id.* at \*3-4. While an applicant need not be absolutely destitute to qualify for a waiver of costs and fees, he must demonstrate that he cannot pay those costs while still providing himself with the necessities of life. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948).

In this case, Plaintiff's application indicates she has a gross wage of 1.2 million dollars and a take-home pay of one million dollars per month. Docket No. 1 at 1. Such a monthly wage is more than sufficient to allow Plaintiff to pre-pay this case's filing fee while still providing herself with the necessities of life.

Accordingly, the undersigned **RECOMMENDS** that Plaintiff's motion to proceed *in forma pauperis* be **DENIED** and that Plaintiff be required to pay the filing fee if Plaintiff wishes to proceed with this case.

Dated: November 30, 2022

  
 Nancy J. Koppe  
 United States Magistrate Judge

**NOTICE**

This report and recommendation is submitted to the United States District Judge assigned to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation must file a written objection supported by points and authorities within fourteen days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991).